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10/720,532	11/24/2003	Jan Sudor	G-090US04DIV	4393
23557 7590 11/20/2008 SALIWANCHIK LLOYD & SALIWANCHIK A PROFESSIONAL ASSOCIATION PO BOX 142950 GAINESVILLE, FL 32614-2950				
EXAMINER				
STOUTER, KELLY M				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

Applicant's arguments filed 12 November 2008 have been fully considered but they are not persuasive. The applicant argues that there is not sufficient motivation in Parce and Voss that would cause one of ordinary skill in the art to look for other block copolymers such as those of Thurow, and that there is no motivation to use the block copolymers of Thurow in the methods of Parce and Voss. However, to make a *prima facie* case of obviousness, the motivation need not be present in all of the references. Further, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Thurow provides the motivation of using its block copolymers in order to reap the benefits of their hydrophobic and hydrophilic proportions, which would certainly be useful in Parce and Voss. In addition, this limitation would have been obvious because the substitution of one known element, such as the block copolymers of Parce and Voss, for another, such as the block copolymers of Thurow, would have yielded predictable results to one of ordinary skill in the art at the time of the invention. See *KSR International Co. V. Teleflex Inc.* 550 U.S.--, 82 USPQ2d 1385 (2007). Therefore, for at least these reasons, the rejections of the previous office action are maintained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KELLY STOUFFER whose telephone number is

(571)272-2668. The examiner can normally be reached on Monday - Thursday 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kelly M Stouffer
Examiner
Art Unit 1792

kms

/Timothy H Meeks/
Supervisory Patent Examiner, Art Unit 1792